From: Holst, Linda
To: Katrina Kessler (katrina.kessler@state.mn.us)
Subject: Potential Language
Date: Friday, October 24, 2014 9:48:00 AM

Hi, Katrina. Below is draft language Jim Keating, Dave and I think would be good in a clarifying letter from MPCA to EPA. We should discuss after you've had time to mull over. For the "continuously monitored pH and DO" piece, we think MPCA would be amenable to that because you will pretty much always have TP and chl a, and will also have continuously monitored pH and DO in downstream locations in every watershed that are likely to exhibit impacts due to eutrophication.

Proposed Language in Letter from MPCA

To assist EPA in reviewing Minnesota's river and streams eutrophication rule, Minnesota Pollution Control Agency (MPCA) is clarifying its interpretation of Paragraphs A and B of Subparts 2b, 3b, and 4b of the rule (pages 48, 62-63, and 79, respectively). To make sure you know to what we are referring, we will use Subpart 4b as the template:

"Subp. 4b. Narrative eutrophication standards for Class 2B rivers and streams.

A. Eutrophication standards for rivers and streams are compared to summer-average data or as specified in subpart 4. Exceedance of the total phosphorus levels and chlorophyll-a (seston), five-day biochemical oxygen demand (BOD5), diel dissolved oxygen flux, or pH levels is required to indicate a polluted condition.

B. Rivers and streams that exceed the phosphorus levels but do not exceed the chlorophyll-a (seston), five-day biochemical oxygen demand (BOD5), diel dissolved oxygen flux, or pH levels meet the eutrophication standard."

MPCA interprets these paragraphs to mean that the eutrophication standard is met in streams/rivers where total phosphorus (TP) is exceeded and none of the response variables are exceeded; and not met in streams/rivers where TP is exceeded and any of the response variables is exceeded. We recognize that the expression of Paragraphs A and Part B do not specifically address situations where data for all response parameters are not available. Specifically, where TP is exceeded and there is no response variable exceeded, but not all response variables can be evaluated, we consider this to be insufficient information to determine attainment because there is the potential that a response variable could also be exceeded. For assessment purposes (e.g., our Integrated Report), we intend to place any such waters on a "study list" and collect data on chlorophyll a and continuously monitored pH and DO to conclude assessment. The study list would be made publicly available.